

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD L. MOORE,

Plaintiff,

v.

Case No. 01-CV-73944-DT

LAFAYETTE LIFE INSURANCE COMPANY
et al.,

Defendants.

ORDER DENYING AS MOOT AUGUST 21, 2006 MOTIONS FOR ATTORNEY FEES

On August 9, 2006, the Sixth Circuit Court of Appeals issued its judgment affirming this court's judgment in all respects, and thereby ending all appeals related to this matter. On August 21, 2006, Defendant Lafayette Life Insurance Company and Defendant Michigan Tooling Association each filed a motion for attorney fees, seeking costs and fees incurred by Defendants on appeal. Plaintiff Richard L. Moore filed responses to these motions on September 5, 2006. The mandate from the Sixth Circuit was issued four months later on January 8, 2007. Ten days later, Defendants each filed new motions for attorney fees, to which Plaintiff timely responded on February 1, 2007. The titles and substance of Defendants' most recent motions make it clear that the motions are intended to replace, rather than merely supplement, the original motions filed in August, 2006. For clarity of the docket, the court will deny as moot the earlier-filed motions, and address the merits of the parties' positions by reviewing and resolving the later-filed motions.

Accordingly, IT IS ORDERED that Defendants' August 21, 2006 motions for attorney fees [Dkt. ## 144 & 145] are DENIED AS MOOT.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 6, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 6, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522